

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FRANK QUAGLIA,

Plaintiff,

v.

BRAVO NETWORKS, NATIONAL  
BROADCASTING COMPANY, INC.,  
doing business as NBC, RAINBOW  
PROGRAMMING HOLDINGS, INC.  
and DOES 1-10,

Defendants.

Civil Action No. 0410460 GAO

JOINT STATEMENT FOR LOCAL RULE 16.1 CONFERENCE

I. DISCOVERY PLAN

The Defendants propose the following discovery plan:

- A. On or before **June 25, 2004**: Exchange of initial disclosures and disclosed.
- B. On or before **July 9, 2004**: Interrogatories and document requests served.
- C. On or before **August 20, 2004**: Responses to interrogatories and document requests due, with documents to be produced by.
- D. On or before **September 8, 2004**: Request for Admissions served.
- E. On or before **October 8, 2004**: Responses to Request for Admissions.
- F. On or before **December 1, 2004**: Depositions of parties and fact witnesses completed and related supplemental document requests, if any, issued.
- G. On or before **December 15, 2004**: Designation of expert witnesses and related disclosures made.
- H. On or before **January 31, 2004**: Expert witness depositions (if any) completed.

[Plaintiff's Plan to be inserted]

II. PROPOSED SCHEDULE FOR FILING MOTIONS

Defendants propose the following motion schedule:

- A. Dispositive motions filed by **March 2, 2005**.
- B. **Opposition** to any motion filed by **April 1, 2005** or within 30 days of motion
- C. **Reply** (if permitted) filed by **April 22, 2005, or within 21 days of opposition**

[Plaintiff's schedule to be inserted]

III. PRETRIAL CONFERENCE

Plaintiff proposes a final pretrial conference in February, **2005**.

Defendants propose a final pretrial conference in **July, 2005**.

IV. CERTIFICATIONS OF COUNSEL AND PARTIES

Certifications (or copies thereof) are attached.

V. OTHER MATTERS

Defendants' Proposed agenda for the June 2, 2004, conference:

- A. Review of foregoing discovery plan and establishment of schedule.
- B. The parties have not consented to trial by a Magistrate Judge.
- C. Defendants' proposal to limit discovery pending resolution of an early summary judgment motion that would dispose of the case. Pursuant to Local Rule 16.1(d)(1)(b), Defendants proposed to Plaintiff a phased discovery plan that would allow for early adjudication of the dispositive issue of "substantial similarity" between the plaintiff's work "The Ultimate Audition" and defendant Bravo's work "The It Factor," as well as dispositive legal issues relating to Plaintiff's state law claims. Plaintiff was unwilling to entertain any such proposal. Nonetheless, Defendants continue to believe that the substantial similarity issue may well become

ripe for summary adjudication before discovery has been completed. Defendants therefore propose that the Court direct at this time that:

- (a) Plaintiff provide expert disclosures relating to the substantial similarity issue at a date earlier than that provided above, and thereafter make any identified expert available for deposition on appropriate notice; and
- (b) Defendants shall have leave to make a summary judgment motion before completion of discovery as to that issue and any other fully dispositive legal issues relating to any of the claims. Upon the making of such motion, all remaining discovery unrelated to the issue of substantial similarity would be stayed pending the Court's ruling on the motion.

D. Present prospects for settlement.

Respectfully submitted,

FRANK QUAGLIA,

By his attorneys,

CHRIS WINTON HENDERSON  
(BBO No. 655321)  
57 Wharf Street  
Suite No. 3A  
Salem, Massachusetts 01970  
(978) 741-4646  
(978) 740-8880 (fax)

***Of Counsel***

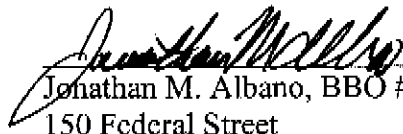
Neville L. Johnson  
Douglas L. Johnson  
JOHNSON & RISHWAIN LLP  
12121 Wilshire Blvd.  
Suite 1201  
Los Angeles, California 90025-1175  
(310) 826-2410  
(310) 826-5450 (fax)

Date: May 25, 2004

BRAVO COMPANY (sued herein as  
BRAVO NETWORK), NBC  
UNIVERSAL, INC. (sued herein as  
NATIONAL BROADCASTING  
COMPANY, INC.), and RAINBOW  
MEDIA HOLDINGS LLC (sued herein as  
RAINBOW PROGRAMMING  
HOLDINGS, INC.)

By their attorneys,

BINGHAM MCCUTCHEN LLP

  
Jonathan M. Albano, BBO #013850  
150 Federal Street  
Boston, MA 02110  
617-951-8000

***Of Counsel***

Daniel M. Kummer  
NBC UNIVERSAL, INC.  
30 Rockefeller Plaza  
New York, NY 10112  
Attorney for Bravo Company  
and NBC Universal, Inc.

Barry S. Slotnick  
Laura M. Vascy  
LOEB & LOEB LLP  
345 Park Avenue  
New York, New York 10154  
(212) 407-4000  
Attorneys for Rainbow  
Media Holdings LLC

Date: May 25, 2004

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FRANK QUAGLIA,

Plaintiff,

v.

BRAVO NETWORKS, ET AL.,

Defendant.

CIVIL ACTION  
NO. 04-10460-RWZ

2004 MAY 25 P 5:40

**LOCAL RULE 16.1(D)(3) CERTIFICATION**

Pursuant to Local Rule 16.1(D)(3), defendant Rainbow Media Holdings LLC ("Rainbow") (incorrectly sued herein as "Rainbow Programming Holdings, Inc.") certifies as follows:

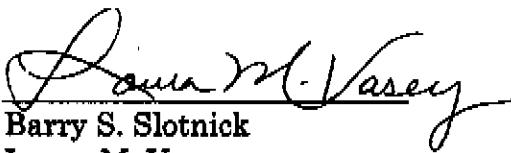
Rainbow has conferred with its outside counsel with a view towards establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation and to consider the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4 (such as the use of a mini-trial, a summary jury trial, or mediation).

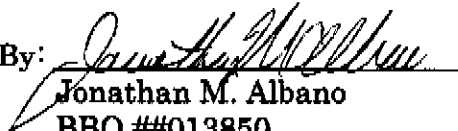
**RAINBOW MEDIA HOLDINGS LLC**

By: 

David A. Deitch

General Counsel & Senior Vice President, Business Affairs

By:   
Barry S. Slotnick  
Laura M. Vasey  
LOEB & LOEB LLP  
345 Park Avenue  
New York, N.Y.  
(212) 407-4000

By:   
Jonathan M. Albano  
BBO ##013850  
BINGHAM MCCUTCHEN LLP  
150 Federal Street  
Boston, MA 02110-1726  
(617) 951-8000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record for each other party by mail on May 25, 2004.

  
Jonathan M. Albano

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FRANK QUAGLIA,

Plaintiff,

v.

BRAVO NETWORKS, ET AL.,

Defendant.

2004 MAY 25 P 5:40  
CIVIL ACTION  
NO. 04-10460-RWZ

**LOCAL RULE 16.1(D)(3) CERTIFICATION**

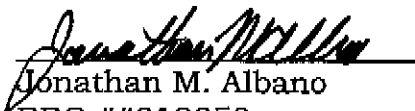
Pursuant to Local Rule 16.1(D)(3), defendants Bravo Company ("Bravo") (incorrectly sued herein as "Bravo Networks") and NBC Universal, Inc. (sued herein as National Broadcasting Company, Inc.) ("NBC"), certify as follows:

Bravo and NBC have conferred with their outside counsel with a view towards establishing a budget for the costs of conducting the full course, and various alternative courses, of the litigation and to consider the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4 (such as the use of a mini-trial, a summary jury trial, or mediation).

**BRAVO COMPANY AND  
NATIONAL BROADCASTING COMPANY, INC.  
(n/k/a NBC Universal, Inc.)**


By: 

Daniel M. Kummer  
Vice President, Litigation  
NBC Universal, Inc.  
30 Rockefeller Center  
New York, N.Y. 10112  
(212) 664-4017

  
Jonathan M. Albano  
BBO ##013850  
BINGHAM MCCUTCHEN LLP  
150 Federal Street  
Boston, MA 02110-1726  
(617) 951-8000

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record for each other party by mail on May 25, 2004.

  
Jonathan M. Albano

2004 MAY 25 P 5:40  
U.S. DISTRICT COURT  
DISTRICT OF MASS.